

State of Rhode Island and Providence Plantations

Derelict and Abandoned Vessel and Obstruction Removal Commission

Proposed Minutes of the Rhode Island Derelict and Abandoned Vessel and Obstruction Removal Commission Meeting

Held on July 11, 2013

Members in attendance:

Steven Hall, Chair

Danniel Goulet, Member

Don Vivenzio, Member

Matt Calouro, Member and

Tom Kutcher, Member

Others in attendance:

**Gary Powers, Legal Counsel to the Commission and Secretary, Pro
Hoc Vice**

Christian Capizzo, SAAG

Larry Mouradjian, RIDEM

**Quorum being present, the Chair called the Meeting to order at
approximately 8:30 a.m. in the conference room located on the 2nd
Floor in DEM's Wickford Marine Base which is located at 150 Fowler
Street, North Kingstown, RI.**

Consistent with the proposed agenda for the meeting, the

Commission proceeded as follows:

- 1. The Commissioners approved the proposed minutes of the June 14, 2013 meeting of the Commission (as modified). (A copy of minutes as approved is attached.)**
- 2. The Chair provided the Members with copies of the Rules and Regulations of the Rhode Island Trails Advisory Committee For the Trails Improvements Grants Program for the State of Rhode Island and Providence Plantations Department of Environmental Management Division of Planning and Development for possible use in developing regulations by the Commission to determine the priority of funding of disbursements and the members circulated two draft priority rankings . (A copy of the regulations and each of the drafts is attached.)**
- 3. By way of background for the Commission's role, the Members continued their discussion of the current roles of the United states Coast Guard (in addressing the larger environmental/ navigational obstruction incidents) and also the manner in which the State's private marinas proceed pursuant to the Rhode Island Dry Dock Facilities Act, R. I. Gen. Laws §§ 34-46- 1 et seq. to address vessels that are abandoned by customers at their facilities.**
- 4. The Commission then focused on its goals which it identified as: the establishment of a means of determining a priority as to which vessels are the most appropriate candidates to be designated for removal projects that are initially financed by the available funds; the competition of an application form to assist applicants in applying**

for these funds and contemporaneously ease the review process by the Commission; and the development of a guidance document to advise potential applicants as to the process and inform them of the “cheat sheet” to be employed in gauging the projects to be funded.

5. The Commission also discussed certain potential short comings in the Act that the Commission was being called upon to implement. The most glaring omission and source of concern was the Act’s failure to afford protection from liability claims by the owners of vessels that are duly “noticed” and whose vessels are ultimately disposed of pursuant to the Act. Also of concern was the possibility that the Act should be amended in order to provide that the owners of vessels that disposed of by Commission funded projects may be prohibited from registering any other vessel until said person satisfies any financial outstanding financial liability for the earlier remediation project. The above were considered potential, proposed amendments to R. I. Gen. Laws § 46-6-10.2 by the General Assembly in order to better assist in achieving the legislative goals of the Derelict and Abandoned Vessel Act.

6. The next meetings’ efforts were also considered with a focus on the drafting of a priority matrix and how the draft of the criteria presented at today’s meeting might be further refined as well as consideration of whether the Commission should establish criteria for the eligibility of those contractors authorized to undertake a project funded by money generated by the Act and if so what criteria might be adopted, e.g., consultation with harbor masters as to how they have addressed this matter, and/or the mandating of the posting

of a performance bond by the contractor.

7. The Members were encouraged to explore the issues identified and to bring any ideas or proposals to the next meeting. Specifically, the members were asked to consider appropriate guidelines and point systems or criteria grading system for discussion at the next meeting.

NEXT SCHEDULED MEETING

The Chair then inquired as to interest of the Members in continuing to meet at the current location and what might be convenient time for future meetings. It was agreed that the next meeting would take place at the same location, i.e., the conference room located on the 2nd Floor in DEM's Wickford Marine Base which is located at 150 Fowler Street, North Kingstown, RI and that it occur on August 14, 2013 beginning at 8:30 a.m.

Meeting adjourned at approximately 10:40 a.m.

Respectfully submitted,

Gary Powers, Secretary, Pro Hoc Vice